

Harding Names Pierce Butler to Supreme Court

Nomination of St. Paul Lawyer, 56 Years Old, Sent to Senate for Confirmation, to Succeed W. R. Day

New Member Is Democrat

Selection Restores Political Proportion of 6 to 3 Existing When Clarke Quit

WASHINGTON, Nov. 23.—The nomination of Pierce Butler, of Minnesota, to be Associate Justice of the Supreme Court of the United States to succeed William R. Day, of Ohio, resigned, was sent by President Harding to-day to the Senate. Mr. Butler is a practicing lawyer of St. Paul, fifty-six years old and a Democrat.

Mr. Butler was admitted to practice before the Supreme Court on May 26, 1886, and since then frequently has appeared before that branch in the argument of important cases, including the Minnesota rate cases in 1912, decided by Justice Hughes. The appointment will restore to the bench the political proportion which existed when Justice Clarke, resigned. He, a Democrat, was succeeded by Justice Sutherland, a Republican. But by selecting a Democrat to succeed Justice Day, Republicanism in the court will again stand six Republicans and three Democrats.

Known to Court Members

Chief Justice Taft and Associate Justice Van Devanter are more intimately acquainted with the new appointee than are their colleagues, but it is known to them all. With the former he was engaged in the Grand Trunk-Pacific Railroad Company arbitration, which occupied much of the attention of Mr. Taft while he was in retirement after leaving the White House. In the arbitration Mr. Butler won his contention as counsel for Canada, Mr. Taft dissenting.

In the Senate the nomination was referred to the Judiciary Committee, where it will be considered next Monday. A favorable report is expected to be made promptly by the committee. Democratic Senators having freely expressed their approval of the selection. It is considered satisfactory to the Republicans.

Won by Legal Prominence

The nomination will place upon the bench of the highest tribunal another lawyer who has not won the ermine by previous service upon the bench. Like Justices Holmes and Brandeis, the new justice never served in Congress nor occupied a Cabinet or other important Federal office. Justice Sutherland, the second member of the court appointed by President Harding, was, like several of his associates, at one time in Congress, having been a Senator from Utah, but Mr. Butler won his distinction strictly by his legal prominence and not by any discharge of Federal duties.

It was stated to-day in court circles

that Chief Justice Taft gave the President unstinted recommendation of Mr. Butler's qualifications when the Chief Executive advised him that Mr. Butler was being considered for the vacancy. Senator Kellogg, Republican, Minnesota, as well as others prominent in Northwestern affairs, also gave the President praise of Mr. Butler's abilities as a lawyer.

owing to the continued illness of Justice Pitney, who returned to Washington yesterday from his home at Morristown, N. J., it is expected that the President will in the near future make his fourth appointment to the Supreme bench. A bill for the retirement of Justice Pitney has been introduced, and its early passage is expected, leaving it to Justice Pitney to determine whether he will avail himself of its benefits. Those who have been closest in touch with Justice Pitney predict that unless there is a material improvement in his physical condition within the next month he will resign.

Burglar Visits Pastor's House, but Gets No Loot

Rev. Mr. Albertson Escorts Wife and Daughter to Neighbor's and Calls Police

The Rev. Mr. Charles C. Albertson, pastor of the Lafayette Avenue Presbyterian Church, Brooklyn, whose home is at 18 Washington Park in the "Hill" of Brooklyn, realized that an intruder had entered his home when he heard footsteps last night in a fourth-story room.

He quickly descended to the first floor, escorted his wife and daughter, Miss Katherine Albertson, to the home of a neighbor and called the police. Within five minutes policemen had surrounded the house and a search was conducted, but the man was not found.

No loot was obtained by the burglar, although he was on the fourth floor, ransacked the house and was believed to have been the "human" who has been entering fashionable Brooklyn homes recently during daylight hours. Last night's burglar effected an entrance by climbing a fire escape to the third floor of an adjoining building and then creeping along a two-foot ledge to an unlocked window on the fourth floor of the Albertson home.

THE TRUTH
"—is also found in frank confession of error"

The Tribune will be glad to receive and publish corrections of inaccuracies in its columns.

In the heading of an article in The Tribune yesterday it was said that the sale of the collection of Shakespeareans in the library of the late J. Parker Norris took place at the Anderson Galleries. In fact, the sale took place at the American Art Galleries.

The attention of The Tribune has been called to a statement printed on Wednesday in an article about affidavits made by W. E. D. Stokes, which said that Mr. Stokes sent checks for the account of Mrs. Philip M. Lydig, his former wife, to the Rev. Percy Stickney Grant. The Grant referred to was not the rector of the Church of the Ascension, but Lewis B. Grant, a lawyer, now dead.

France Won't Ratify Pacts, London View

Believe Failure Thus Far Indicates Unfavorable Action on the Armament Conference Treaties

U. S. Expects Approval

High Official Quarter Is Not Dismayed by Forecasts of Paris Rejection

From The Tribune's Washington Bureau

LONDON, Nov. 23.—Georges Leygues, chairman of the Foreign Affairs Commission of the French Chamber of Deputies, is reported here as saying that the commission rejects the ratification of the Washington naval agreements.

British officials, commenting on the report, point out that while Leygues's declaration is not necessarily the view of the French government, France's failure to ratify the treaty has caused them to discount favorable action on the part of that signatory.

The opinion obtains here that if France should definitely withdraw from the naval treaties a situation would arise wherein Great Britain, the United States and Japan might find it necessary to meet again to confirm the five-year basis for their navies as applicable to themselves alone. In any event French abstention from the agreement, if unaccompanied by a building program, would not cause immediate reconsideration of British naval plans.

The British press has made no comment on the reported Leygues declaration, and in unofficial quarters there is a disposition to regard it as a trial balloon rather than a measured statement of policy.

WASHINGTON, Nov. 23.—Ratification by the French government of the arms conference treaties is expected by this government without further delay, it was indicated to-day in a high official quarter. All information that comes to this government through official channels points to early ratification of the naval treaty and the four-power Pacific treaty, it was said, and press dispatches to the contrary lacked confirmation here.

Surprise was expressed at the State Department to-day to the statement made on the floor of the Senate by Senator Glass to the effect that the Anglo-Japanese Treaty is automatically renewed to-day because of the failure of the French government to make the four-power pact operative through delay in ratification. It was said that the Anglo-Japanese Treaty was signed July 16, 1911, for a period of ten years, to be renewed automatically for a similar period on July 16, 1921, if either government failed to give notice of renouncing it. Officials added that the pact remains in operation until the Washington conference treaty becomes effective.

Hylan Joins Murphy's War Council at French Lick

More Tammany Braves on Way and Transit Parley Is Reported Opening

Special Dispatch to The Tribune

FRENCH LICK SPRINGS, Ind., Nov. 23.—John F. Hylan, Mayor of New York, arrived here yesterday with his Commissioner of Plant and Structures, Grover A. Whalen.

Charles F. Murphy, of Tammany Hall, has been here for ten days. Other politicians from New York are here or on their way. It is believed that a conference of the important men in the Democratic party of New York is under way or is contemplated.

The most persistent and most generally accepted report is that Mayor Hylan came here to talk over New York's transit situation with Murphy. Neither Murphy nor Hylan is averse to telling his purpose in visiting this resort. The Tammany leader says he came here to play golf. He proves it by playing daily and almost invariably winning. Mayor Hylan says he came here to rest. He proves it by resting a little every day, gradually extending the period so that it is believed that by the time he returns to New York he will be able to rest hours at a time.

Suitor of Young Bride Gives Up After Slaying

Driver Declared to Have Shot Girl When She Told Him of Marriage

James J. Corbett, a driver, who is alleged to have shot and killed Mrs. Elsie Starace, a bride of four months, in the hallway of a tenement at 121 East 107th Street yesterday morning, walked into Police Headquarters at White Plains early to-day and gave himself up.

The White Plains police were told by William J. Ford, who lives at Hawthorn, near White Plains, that Corbett went to the Ford home during the afternoon and said that he wanted to commit suicide. Ford prevailed upon him to surrender.

Corbett, the police said, had been pleading with the girl for two years to marry him. When he called upon her yesterday and insisted that she do so she told him that she was a bride of four months.

Mrs. Anna Braumann, who is janitor of the 123d Street tenement and mother of the slain woman, said that Mrs. Starace had passed the night with her. She said that after her daughter had gone with Corbett into the hallway she heard Elsie say: "You are too late, and even if you weren't I wouldn't marry you."

Corbett drew his revolver, Mrs. Braumann said, and shot her daughter as she ran.

New York Central Prepares To Expedite Christmas Mail

CLEVELAND, Nov. 23.—Arrangements for moving Christmas mail on the New York Central Railroad were completed here to-day at a meeting of officials of the lines between New York and Chicago. Predictions were made that the mail will be at least 25 per cent heavier than last year.

It was decided that if enough baggage cars are not available to use refrigerator cars and, in the event a sufficient number of these could not be obtained, mail will be sent in box cars.

Capper Urges Esch - Cummins Act Be Repealed

Assails Provisions of Law Which Require Rail Rates To Be Fixed So as to Yield Reasonable Return

Lines Doing Big Business

Asserts Companies' Financial Showing for 8 Months in 1922 Better Than 1921

From The Tribune's Washington Bureau

WASHINGTON, Nov. 23.—The struggle for modification of the rate-making provisions of the Esch-Cummins transportation act, or the repeal of that measure, was begun in the Senate to-day by Senator Capper, of Kansas, head of the Senate farm bloc.

Senator Capper assailed those provisions of the act which require rates to be fixed which will yield the roads by groups a reasonable net return, which formerly was 6 per cent. The 6 per cent requirement expired some months ago.

The Kansas Senator said the railroads are to-day doing the greatest business they have ever done. He said this was "an increase of 78 1/2 per cent a ton mile for freight and of nearly 66 per cent a mile for passengers." He asserted further that, although handicapped by two great strikes, the roads had made a better financial showing for the first eight months of 1922 than for the corresponding months of 1921.

"The higher-than-war rail rates are the authority of William H. Woodin,

consuming our farmers," said the Senator. He drew a contrast between the prosperity of the roads and the low prices which the farmers get for their products. He charges that more than half the fruit crop this year was lost because growers could not afford to pay freight rates and let the fruit rot.

"It is strictly true to say that for the last two years and four months," went on Senator Capper, "rail rates on farm stuffs have been more than the traffic could bear or should have borne, and this was never more true than at this moment. Our farmers are actually paying out money for the privilege of growing wheat, and that in a time of world need of wheat. Farmers cannot market wheat on the margin existing freight rates require. "It is a most ruinous and shortsighted policy, for in the end the railroads and the Eastern manufacturers and the public are all going to suffer for every dollar of loss inflicted on the farmer. That is the inescapable economic result. I argue not that the railroads cannot afford not to make such reductions and speedily."

Farms Sold for Taxes

He depicted the conditions among the farmers with unpaid taxes and farms being sold for taxes. He said the American farmer "has almost reached his economic ditch."

He said those interested in helping the farmer would urge passage of this bill at this session, to repeal the objectionable feature of the Esch-Cummins law.

"Sooner or later this must be done," he added. "Far better to do it sooner and so bring to an end the ruinous endurance contest which has brought our greatest prosperity maker, the farmer, to the verge of ruin."

Fuel Director's Revolt Ends as He Resigns

Koerbel, Who Ordered Seizures in Sixth Judicial District, Accepts Woodin's Order

Samuel J. Koerbel's revolt against the authority of William H. Woodin, State Fuel Administrator, to oust him from the office of Fuel Administrator for the Sixth Judicial District was short lived. After holding out for one day against Mr. Woodin's invitation to resign, Mr. Koerbel announced at Elmira, N. Y., last night that he had accepted the administrator's order and was "out of it."

This is the first difference to arise in the staff of the state fuel administration. It was caused by Mr. Koerbel's instructions to county administrators in his district on Tuesday to seize coal from railroad trains en route to Great Lake ports. Mr. Woodin immediately directed that these orders

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be rescinded, but his deputy, insisting that he was responsible only to Governor Miller and was acting under his instructions, re-issued the orders and then refused to accept an invitation to resign unless it came from the State Executive.

Until Mr. Koerbel's decision to withdraw without a contest, the state fuel administration was fully prepared to take summary action, relying on the sweeping powers granted under the emergency fuel law passed at the special session of the Legislature. The act provided, it was said at Mr. Woodin's office, that the Fuel Administrator may appoint and at pleasure remove deputies or other employees in his office.

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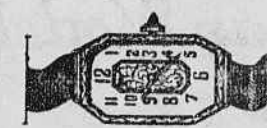
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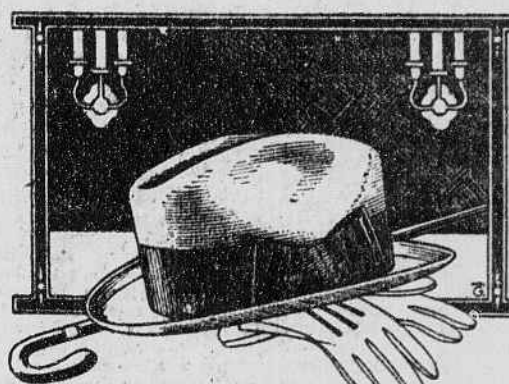


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